

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ JUN 29 2012 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**BROOKLYN OFFICE**

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KENNETH WYNDER,

Plaintiff,

Memorandum and Order

99 Civ. 0772

- against -

JAMES McMAHON, et al.

Defendants.

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GLASSER, United States District Judge:

On May 1, 2012 the Court, pursuant to 28 U.S.C. § 1927, ordered plaintiff's counsel to personally reimburse defendants for the costs of responding to plaintiff's motion for reconsideration and ordered defendants to submit an affidavit, listing the costs and expenses incurred. On June 20, 2012, defendants submitted a declaration to that effect. See Declaration of Rebecca Ann Durden, dated June 20, 2012 (Dkt. No. 244). As salaried public officers, the attorneys representing defendants do not maintain time sheets or bill on an hourly basis. However, declarant estimated she spent approximately two hours reviewing and responding to plaintiff's motion, her colleague Michael J. Keane spent fifteen minutes reviewing her response, she then prepared a courtesy copy of the motion, and the Managing Attorney's Office delivered courtesy copies of the motion to the Court by hand. Id. ¶ 3. In Bogosian v. All Am. Concessions, No. 06 Civ. 1633 (RRM) (RML), 2012 WL 1821406, at \*2 (E.D.N.Y. May 18, 2012), the court reviewed recent decisions awarding attorneys' fees and concluding that "reasonable hourly rates are approximately \$300–\$450 for partners, \$200–\$325 for senior associates, and \$100–\$200 for junior associates in the Eastern District of New

York.”); see also Adams v. N.Y. State Educ. Dep’t., 630 F. Supp. 2d 333, 348 (S.D.N.Y. 2009) (calculating fees for government attorneys at the prevailing market rate). An Assistant Attorney General representing the State of New York in matters affecting its significant interests cannot be characterized as a senior or junior associate. The quality of the representation in the course of these protracted proceedings, in general, and in this plainly meritless motion, in particular, leads the Court to conclude that a sanction of \$500, payable within fourteen days of this date to the State of New York, is appropriate and reasonable and it is

**SO ORDERED.**

Dated: Brooklyn, New York

June 28, 2012

s/l. Leo Glasser

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I. Leo Glasser

United States Senior District Judge